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Press Release

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**ATTORNEY GENERAL DARRELL V. MCGRAW, JR.
SETTLES ANTITRUST LAWSUIT INVOLVING THE COMMONLY
PRESCRIBED HEART DRUG, CARDIZEM CD**

Attorney General Darrell V. McGraw, Jr. announced today that a proposed settlement has been reached where \$80 million will be paid nationwide to injured purchasers of the commonly-prescribed heart medicine, Cardizem CD. The settlement resolves an antitrust lawsuit filed by West Virginia and more than 30 other states against Aventis Pharmaceuticals, Inc., Andrex Corporation and affiliated entities.

In the lawsuit, the states alleged that Adventis and Andrex had an unlawful agreement whereby Adventis paid Andrex nearly \$90 million to keep its less expensive generic version of the heart medication Cardizem CD off of the market. Because of the agreement, state agencies, third-party payers (insurance companies), and uninsured individuals paid more for the heart medicine than they would have if generic forms of the drug had been on the market sooner.

"Conspiracies that keep affordable drugs off the market not only violate the antitrust laws," said Attorney General McGraw, "they are ethically and morally wrong as well."

Under the terms of the settlement Adventis and Andrex are required to pay \$80 million dollars into a fund that will compensate consumers, state agencies and insurance companies. The settlement is in addition to a \$110 million settlement reached earlier between the companies and drug wholesalers involving the same conduct.

The states' lawsuit was filed in May, 2001 in the United States District Court in Detroit, Michigan. The settlement must be approved by the court before it becomes effective. If approved, a claims administration process will be implemented later this year to reimburse individuals who were overcharged for Cardizem CD or paid a higher co-pay because they purchased a brand name drug between January of 1998 and January 2002. The claims process will be widely publicized once it receives court approval.

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